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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,089	10/25/2000	Takeshi Maeda	500.37445CX1	2432

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EXAMINER

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/695,089

Applicant(s)

MAEDA ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendmnet filed on 6/9/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### ***Claim Objections***

1. Claims 7 and 8 are objected to because of the following informalities:

(a) in claim 7, line 2, the term "disk-like" should be changed to --disk-shape--;

(b) similarly, in claim 7, line 3, the term "disk-like" should be changed to --disk-shape--;

(c) in addition, in claim 8, line 2, the term "disk-like" should be changed to --disk-shape--; and

(d) furthermore, in claim 8, line 3, the term "disk-like" should be changed to --disk-shape--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

3. Claims 7, 9-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuji (U.S. Patent 6,310,846) in view of Lee (U.S. Patent 5,241,524).

Fuji teaches a recording medium having elements and means very similar to that of the instant invention. For example, Fuji teaches the following:

- (a) as in claim 7, a disk-shaped substrate 40 (Fig. 4);
- (b) as in claim 7, at least one track being provided on the substrate (Fig. 6a1);
- (c) as in claim 7, a zone including at least one track (Fig. 8; a recording zone/area is an inherent feature of the recording medium 1); and
- (d) as in claim 7, the zone stores a lookup table 57 (Fig. 2; column 4, lines 28-33).

However, Fuji does not teach the following:

- (a) as in claims 7, 9-16 and 19, the lookup table includes a list of values about the wave form data of a recording pulse.

Lee teaches a look up table 2 which stores a list of pulse formation values such as pulse widths, length and intervals (Fig. 6; column 7, lines 54-64).

As in claims 7, 9-16 and 19, a look-up table as a form of data stored in a recording medium such as Applicant's and Fuji's is considered as a non-functional descriptive material. And it is obvious to store any type of data such as Applicant's and Fuji's non-functional descriptive material on a disk.

With respect to the type of data in a look-up table, for example, Lee uses a look up table to store non-functional

descriptive material such as a list of predetermined values of pulse widths, lengths and intervals etc. When there is a motivation of determining a predetermined shape of pulse/mark length, it would have been obvious to one of ordinary skill in the art at the time of invention to store Lee's mark length values in a look up table such as Fuji's, because the values of the mark length can be obtained instantly without going through a calculation process.

Furthermore, since Fuji stores a mark control pattern in his disk region 57, it would have been obvious to one of ordinary skill in the art to use a disk region similar to 57 as a look up table instead of Lee's RAM type lookup table, because hardware such as a RAM/ROM is not needed.

4. Claim 8 has limitations similar to those treated in the above rejection(s), and are met by the references as discussed above.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for  
entry. Or:

(703) 746-6909, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032 between 9:30 am to 6:00  
pm, Monday to Friday.

*KC 9/18/02*  
Kim-Kwok CHU  
Examiner AU2653  
September 19, 2002

(703) 305-3032

*William Korzuch*  
WILLIAM KORZUCH  
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TECHNOLOGY CENTER 2800